Remarks

35 U.S.C. 101

In the Office Action dated August 30, 2006, the Examiner rejected claims 10-19 under 35 U.S.C. 101 as directed to non-statutory subject matter.

Regarding claims 10-18 as amended the claims describe *storing* program code on computer readable media. Computer readable media that store program code constitute an article of manufacture and thus a statutory medium, examples of such media are set forth in the specification on pages 5-6 of the application. For at least this reason, it is believed that claims 10-18 overcome the rejection under 35 U.S.C. 101.

Regarding claim 19, the Examiner asserts that the step of taking an action in accordance with a user profile does not produce a useful, concrete and tangible result. Specifically, the Examiner states a user can select "do nothing" as a preference for e-mail. In all cases, it is considered to be a useful, concrete and tangible result when performing an action based on user preferences. For cases not comprising "do nothing", a specific action is taken in accordance with the user to accomplish a useful, concrete and tangible result (e.g., in an e-mail system, setting an action to "delete"). For the case of a "do nothing" preference, a useful, concrete and tangible result is equally accomplished as the user may not wish to utilize the data in anyway. By considering "do nothing" as a useless, non-concrete and intangible command, the claim is narrowed and forces the user to take an affirmative action, when the most appropriate action and the one a user prefers may, in fact, be to do nothing. For at least this reason, it is believed that claim 19, as set forth, is in condition for allowance.

35 U.S.C. 112

In the Office Action dated August 30, 2006, the Examiner rejected claims 1, 10 and 19 under 35 U.S.C. 112, first paragraph, as failing to comply with the written description. Specifically, the Examiner proposes that by using the term misclassification, the Applicant implies that there are many collections of data and thus renders the claim as unsupported by the specification. The Applicant respectfully disagrees, as the definition provided by the Examiner narrowly defines the term misclassification and does not give the term the broadest reasonable interpretation. Indeed a data item can be misclassified by simply being place into a class incorrectly. An example of at least this type of misclassification is stated in the specification: "[where] a data item is different according to some statistically significant manner, the data item is flagged as an anomaly..." (p. 7, ll. 7-8) This step occurs after "[the] rules processor 110 analyzes received data items to determine if an item falls within the scope of the rules." (p. 6, ll. 10-11). This example does not illustrate "more than one class" and incorrectly adding items of one class to another, as proposed by the Examiner. Thus, the definition the Examiner gives for "misclassification" as always having more than one class of elements significantly narrows the claim in a manner unintended by the Applicant. In any event, the phrase to which the Examiner objects appears only in the preamble of the claim and is not a limitation on the claim.

The Examiner also rejects claims 1, 10 and 19 based on the use of the phrase "has not properly been added". Specifically, the Examiner claims that the amendment to claims 1, 10 and 19 implies that "anomalous items [have] not been added to the collection". As described in excerpts in the specification, a first general rule is applied to an item to determine if it should be added to a collection. This general rule is not necessarily meant to detect all anomalous data items, thus some anomalous data items can be added into the collection. When these anomalous

data items are added to the collection, they may be viewed as improperly added. For at least these reasons, reconsideration of the rejection is respectfully requested.

35 U.S.C. 102(b)

In the Office Action dated August 30, 2006, the Examiner rejected claims 1-18 under 35 U.S.C. 102(b) as being anticipated by Agrawal et al. (US Pat. No. 6,094,651; herein referred to as "Agrawal"). The rejection is traversed, and reconsideration is respectfully requested in light of the following.

Regarding claims 1-18, claims 1 and 10 as amended recite the step of "retrieving a user preference profile" and indicating to at least one user that a data item is anomalous in accordance with the retrieved profile. The Examiner admits that Agrawal does not disclose retrieving a user profile and indicating to a user that a data item is anomalous in accordance with a user profile as stated in the Office Action (Page 10, ll. 9-12). Therefore, it is respectfully submitted that claims 1-18 be placed in condition for allowance.
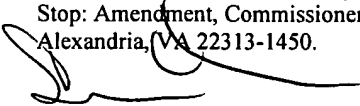
Although claims 1 and 10 have been amended to include further limitations, the Applicants would like to point out that the Agrawal reference discloses identifying exceptional data. Agrawal does not disclose identifying misplaced data, that is, data that does not belong within the collection. The deviating data as described by Agrawal does not imply incorrect classification. Agrawal only shows rightly classified data that contains a data element that deviates in a scalar respect from the other data items (*see* Agrawal, Col. 5, ll. 48-51).

Regarding claim 19, the Examiner points to Yost (US Pat. No. 6,567,796) to cure the deficiency of the Agrawal reference. However, it is not clear how it would have been obvious to use the personalization system disclosed by Yost with the anomaly detection disclosed by Agrawal. Specifically, Agrawal clearly sets forth a display method utilizing a spreadsheet-type

display for viewing anomalous data in light of non-anomalous data. By combining Yost and Agrawal in a meaningful way, a view would be created which does not fully allow the user to view the relation of data to one another. Since Agrawal discloses only highlighting potentially anomalous data, it is unclear as to how a narrower view would have been an obvious improvement. Furthermore, Yost discusses applying the user profile to all data retrieved by the database, not an individual data item. Thus, it is shown that Yost does not take an action upon individual anomalous data items, but merely on a batch of anomalous and non-anomalous data items. For these reasons, it is respectfully requested that claim 19 be placed in condition for allowance.
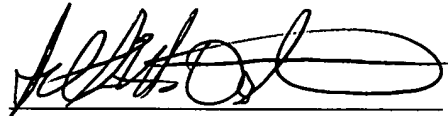
Respectfully submitted,

Dated: <u>November 30, 2006</u>

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